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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,303	09/28/2001	Matthew Whitehead	BAI525-520/01786	5038

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/966,303		WHITEHEAD, MATTHEW	
	Examiner		Art Unit	
	Justin E. Shepard		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/1/06 have been fully considered but they are not persuasive.

Referring to claims 1 and 12:

The applicant argues that Knudson does not disclose a system where program previews are stored on a set top box prior to display. The applicant admits on page 6, lines 9-11 of the remarks that Knudson suggests temporarily storing the preview on the set top box to allow the video clip to be displayed on the screen. The limitation of storing the clip prior to selection does not appear in the claims. Therefore Knudson's disclosure of downloading the clip to a temporary storage reads on the limitations of the claims. The rejection will be modified to include the new limitation of the storage device being a hard disk.

Referring to claims 6, 7 and 9:

The applicant argues that the invention involves downloading the clip prior to the selection of the clip. This limitation is not found in the claims and therefore the argument is moot.

Claim Rejections - 35 USC § 112

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. On line 9, the limitation of "each program" is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled

by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

This limitation is critical as it differentiates between the invention storing a limited versus the entire collection of video clips.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Reynolds.

Referring to claim 1, Knudson discloses a television system, said system comprising a broadcast data receiver for receiving data which is broadcast from a remote location (figure 2d) and which includes video, audio and auxiliary data (figure 3, part 26), processing said data to generate video, audio and auxiliary services via an on-screen display and speakers connected with the broadcast data receiver (column 5, lines 12-13; Note: it is known that television sets have speakers); from said auxiliary data, an electronic program guide may be generated on screen to provide information and facilitate user selection of programs for viewing at that instant or in the future (figure 11).

Knudson also discloses a television system where previews can be viewed (column 11, lines 55-58) when a user selects to receive more information through the

EPG (column 11, lines 36-40); and where video clips can be temporally stored on a set top box (column 14, lines 64-66).

Knudson does not disclose system with a memory means in which video and/or audio data may be stored for subsequent retrieval and display upon the selection of a program from the electronic program guide and to which a portion of the stored video and/or audio data relates.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Knudson does not disclose a television system wherein the storage means is in the form of a hard disc memory provided as part of said broadcast data receiver.

Reynolds discloses a television system wherein the storage means is in the form of a hard disc memory provided as part of said broadcast data receiver (column 14, lines 31-36).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a hard disk as a data storage unit as a hard disk is a common form of a storage device, which provides a large amount of storage.

Claim 12 is rejected on the same grounds as claim 1. The additional limitation of "trailer from each program" does not make the claim allowable, as Knudson does not limit itself to only being able to receive a subset of the program previews.

Referring to claim 2, Knudson discloses a television system according to claim 1, wherein said retrieval and display of said video and/or audio data from the storage means is in response to a user request for further information with respect to a particular program displayed on said electronic program guide (column 11, lines 36-40).

Referring to claim 3, Knudson discloses playing a preview is retrieved and shown to the user (column 11, lines 36-40 and 55-58).

Knudson does not disclose a television system according to claim 1 wherein a video and/or audio clip or trailer for a particular program is generated from said data retrieved from storage and shown to the user.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Referring to claim 4, Knudson discloses a television system according to claim 3 wherein the user has the option, after or during viewing the clip or trailer to select the program automatically or in the future via said electronic program guide (column 13, lines 55-61).

Referring to claim 8, Knudson discloses a television system according to claim 1 including identification data so that upon the user requesting information for a particular program the appropriate portion of the data in the storage means can be identified and retrieved for processing by said broadcast data receiver (column 11, lines 41-45).

Referring to claim 10, Knudson discloses a television system according to claim 1 wherein said data video data being transmitted for the generation of the clips and trailers is shown in a portion of said display screen (figure 12, part 1221).

Referring to claim 11, Knudson discloses playing a preview is retrieved and shown to the user (column 11, lines 36-40 and 55-58).

Knudson does not disclose a television system according to claim 1, wherein further auxiliary information is generated via said data stored in the storage means for retrieval upon the selection of a related program via said electronic program guide.

At the time of the invention it would have been obvious for one of ordinary skill in the art to store the preview video on the set top box. The motivation would have been to add the ability to send the preview clips to other subscribers, as a way of suggesting programs to them (column 14, lines 58-61).

Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Ludwig.

Referring to claim 6, Knudson does not disclose a television system according to claim 1 wherein said video and/or audio data used to generate the clips or trailers in accordance with the invention, is downloaded at designated time intervals and stored.

Ludwig discloses a television system according to claim 1 wherein said video and/or audio data used to generate the clips or trailers in accordance with the invention, is downloaded at designated time intervals and stored (column 58, lines 20-25).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at designated time intervals, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21).

Referring to claim 7, Knudson does not disclose a television system according to claim 6, wherein said downloading of said video and/or audio data occurs when said broadcast data receiver is less likely to be in use for other functions.

Ludwig discloses a television system according to claim 6 wherein said downloading of said video and/or audio data occurs when said broadcast data receiver is less likely to be in use for other functions (column 58, lines 20-25).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at designated time intervals, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21), as while the system would be in use the system would be downloading normal broadcast television.

Referring to claim 9, Knudson does not disclose a television system according to claim 1, wherein said video data being transmitted for the generation of clips and trailers is a low resolution.

Ludwig discloses a television system according to claim 1, wherein said video data being transmitted for the generation of clips and trailers is a low resolution (column 78, lines 49-55).

At the time of the invention it would have been obvious for one of ordinary skill in the art to download the clips at lower resolutions, as taught by Ludwig, in the system disclosed by Knudson. The motivation would have been to conserve bandwidth needed to transfer video files (Ludwig: column 58, lines 20-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoang, U.S. Patent Number 6,557,030; Systems and Methods for Providing VOD Services for Broadcasting Systems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



VIVEK SRIVASTAVA
PRIMARY EXAMINER